

Adopted	Rejected
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## COMMITTEE REPORT

YES:	9
NO:	0

### MR. SPEAKER:

*Your Committee on* **Veterans Affairs and Public Safety**, to which was referred  
Senate Bill 51, has had the same under consideration and begs leave to report the same  
back to the House with the recommendation that said bill **be amended** as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 5-2-6.1-15, AS AMENDED BY P.L.121-2006,
- 4       SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5       JULY 1, 2007]: Sec. 15. (a) If ~~an unmarried~~ **the** victim of a violent
- 6       crime dies as a result of the crime, the division may pay the reasonable
- 7       expenses incurred for funeral, burial, or cremation.
- 8       (b) The division shall adopt guidelines to determine when the
- 9       payment of expenses under subsection (a) is appropriate. In adopting
- 10      guidelines under this subsection, the division shall consider the
- 11      availability of other sources of compensation, including township
- 12      assistance and federal programs."
- 13      Page 2, after line 41, begin a new paragraph and insert:
- 14      "SECTION 4. IC 31-30-1-4, AS AMENDED BY P.L.151-2006,
- 15      SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16      JULY 1, 2007]: Sec. 4. (a) The juvenile court does not have jurisdiction

- 1 over an individual for an alleged violation of:
- 2 (1) IC 35-42-1-1 (murder);
- 3 (2) IC 35-42-3-2 (kidnapping);
- 4 (3) IC 35-42-4-1 (rape);
- 5 (4) IC 35-42-4-2 (criminal deviate conduct);
- 6 (5) IC 35-42-5-1 (robbery) if:
- 7 (A) the robbery was committed while armed with a deadly
- 8 weapon; or
- 9 (B) the robbery results in bodily injury or serious bodily
- 10 injury;
- 11 (6) IC 35-42-5-2 (carjacking);
- 12 (7) IC 35-45-9-3 (criminal gang activity);
- 13 (8) IC 35-45-9-4 (criminal gang intimidation);
- 14 (9) IC 35-47-2-1 (carrying a handgun without a license);
- 15 (10) IC 35-47-10 (children and firearms);
- 16 (11) IC 35-47-5-4.1 (dealing in a sawed-off shotgun); ~~or~~
- 17 **(12) IC 35-41-5-1 (attempted murder); or**
- 18 ~~(12)~~ **(13)** any offense that may be joined under IC 35-34-1-9(a)(2)
- 19 with any crime listed in subdivisions (1) through ~~(11)~~; **(12)**;
- 20 if the individual was at least sixteen (16) years of age at the time of the
- 21 alleged violation.
- 22 (b) The juvenile court does not have jurisdiction for an alleged
- 23 violation of manufacturing or dealing in cocaine or a narcotic drug (IC
- 24 35-48-4-1), dealing in methamphetamine (IC 35-48-4-1.1), dealing in
- 25 a schedule I, II, or III controlled substance (IC 35-48-4-2), or dealing
- 26 in a schedule IV controlled substance (IC 35-48-4-3), if:
- 27 (1) the individual has a prior unrelated conviction under
- 28 IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3; or
- 29 (2) the individual has a prior unrelated juvenile adjudication that,
- 30 if committed by an adult, would be a crime under IC 35-48-4-1,
- 31 IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3;
- 32 and the individual was at least sixteen (16) years of age at the time of
- 33 the alleged violation.
- 34 (c) Once an individual described in subsection (a) or (b) has been
- 35 charged with any crime listed in subsection (a) or (b), the court having
- 36 adult criminal jurisdiction shall retain jurisdiction over the case even
- 37 if the individual pleads guilty to or is convicted of a lesser included
- 38 offense. A plea of guilty to or a conviction of a lesser included offense

1 does not vest jurisdiction in the juvenile court.

2 SECTION 5. IC 35-42-4-3 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) A person who,  
4 with a child under fourteen (14) years of age, performs or submits to  
5 sexual intercourse or deviate sexual conduct commits child molesting,  
6 a Class B felony. However, the offense is a Class A felony if:

- 7 (1) it is committed by a person at least twenty-one (21) years of  
8 age;  
9 (2) it is committed by using or threatening the use of deadly force  
10 or while armed with a deadly weapon;  
11 (3) it results in serious bodily injury; or  
12 (4) the commission of the offense is facilitated by furnishing the  
13 victim, without the victim's knowledge, with a drug (as defined in  
14 IC 16-42-19-2(1)) or a controlled substance (as defined in  
15 IC 35-48-1-9) or knowing that the victim was furnished with the  
16 drug or controlled substance without the victim's knowledge.

17 (b) A person who, with a child under fourteen (14) years of age,  
18 performs or submits to any fondling or touching, of either the child or  
19 the older person, with intent to arouse or to satisfy the sexual desires of  
20 either the child or the older person, commits child molesting, a ~~Class~~  
21 **Class B** felony. However, the offense is a Class A felony if:

- 22 (1) it is committed by using or threatening the use of deadly force;  
23 (2) it is committed while armed with a deadly weapon; or  
24 (3) the commission of the offense is facilitated by furnishing the  
25 victim, without the victim's knowledge, with a drug (as defined in  
26 IC 16-42-19-2(1)) or a controlled substance (as defined in  
27 IC 35-48-1-9) or knowing that the victim was furnished with the  
28 drug or controlled substance without the victim's knowledge.

29 (c) It is a defense that the accused person reasonably believed that  
30 the child was sixteen (16) years of age or older at the time of the  
31 conduct.

32 SECTION 6. IC 35-42-4-4 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) As used in this  
34 section:

35 "Disseminate" means to transfer possession for free or for a  
36 consideration.

37 "Matter" has the same meaning as in IC 35-49-1-3.

38 "Performance" has the same meaning as in IC 35-49-1-7.

"Sexual conduct" means sexual intercourse, deviate sexual conduct, exhibition of the uncovered genitals intended to satisfy or arouse the sexual desires of any person, sadomasochistic abuse, sexual intercourse or deviate sexual conduct with an animal, or any fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of either the child or the other person.

(b) A person who knowingly or intentionally:

(1) manages, produces, sponsors, presents, exhibits, photographs, films, videotapes, or creates a digitized image of any performance or incident that includes sexual conduct by a child under eighteen (18) years of age;

(2) disseminates, exhibits to another person, offers to disseminate or exhibit to another person, or sends or brings into Indiana for dissemination or exhibition matter that depicts or describes sexual conduct by a child under eighteen (18) years of age; or

(3) makes available to another person a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or describes sexual conduct by a child less than eighteen (18) years of age;

commits child exploitation, a Class C felony.

(c) A person who knowingly or intentionally possesses:

(1) a picture;

(2) a drawing;

(3) a photograph;

(4) a negative image;

(5) undeveloped film;

(6) a motion picture;

(7) a videotape;

(8) a digitized image; or

(9) any pictorial representation;

that depicts or describes sexual conduct by a child who is less than sixteen (16) years of age or appears to be less than sixteen (16) years of age, and that lacks serious literary, artistic, political, or scientific value commits possession of child pornography, a ~~Class D~~ **Class C** felony.

(d) Subsections (b) and (c) do not apply to a bona fide school, museum, or public library that qualifies for certain property tax

1 exemptions under IC 6-1.1-10, or to an employee of such a school,  
2 museum, or public library acting within the scope of the employee's  
3 employment when the possession of the listed materials are for  
4 legitimate scientific or educational purposes.

5 SECTION 7. IC 34-18-18-1 IS REPEALED [EFFECTIVE JULY 1,  
6 2007].".

7 Renumber all SECTIONS consecutively.  
(Reference is to SB 51 as printed February 23, 2007.)

**and when so amended that said bill do pass.**

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Representative Tinch